

OGC 78-1017

17 February 1978

**OGC REVIEW
COMPLETED**

MEMORANDUM FOR: Deputy Director for Operations
Deputy Director for Administration
Deputy Director for Science & Technology
Deputy to the DCI for National Intelligence
Inspector General

FROM: Anthony A. Lapham
General Counsel

SUBJECT: Procedures for CIA's Undisclosed Participation in
Domestic Organizations

1. Section 2-207 of Executive Order 12036 provides that no Agency employee may join, or otherwise participate in, any organization within the United States on behalf of the Agency without disclosing their intelligence affiliation to appropriate officials of the organization, except as permitted by procedures established by the DCI and approved by the Attorney General. It further provides that:

Such procedures shall provide for disclosure of such affiliation in all cases unless the agency head or a designee approved by the Attorney General finds that non-disclosure is essential to achieving lawful purposes, and that finding is subject to review by the Attorney General. Those procedures shall further limit undisclosed participation to cases where:


(a) The participation is undertaken on behalf of the FBI in the course of a lawful investigation;

(b) The organization concerned is composed primarily of individuals who are not United States persons and is reasonably believed to be acting on behalf of a foreign power; or

(c) The participation is strictly limited in its nature, scope and duration to that necessary for other lawful purposes relating to foreign intelligence and is a type of participation approved by the Attorney General and set forth in a public document. No such participation may be undertaken for the purpose of influencing the activity of the organization or its members.

2. This Office will be working with the Department of Justice to develop the procedures required to implement Section 2-207. Under the agreed timetable, we owe DOJ a first draft of these procedures on 10 March. In producing that first draft, however, we need to have in front of us a full accounting of relevant CIA interests and activities. That is, we need a specification of the circumstances in which Agency employees do now, or in your view should in the future be free to, participate in domestic organizations on an undisclosed basis, meaning without disclosure of Agency affiliation to senior organization officials. We need to know further the purposes of these activities, the reasons why you believe they should be permitted, and any thoughts you may have concerning the procedures to be recommended to the Attorney General for the regulation of these activities.

3. By this memorandum I am asking each of you to let me have a paper, by 24 February, outlining the interests and activities of your respective components that will be subject to control under Section 2-207 and the required implementing procedures. We will draw on these papers in producing a first draft of these procedures, which we will then circulate for comment before making any proposal to DOJ. STATINTL


Anthony A. Lapham